

REMARKS

Claims 1-6, 9 and 11-18 are pending in this application. By this Amendment, claims 1-6, 9 and 11-17 are amended. Claim 18 is added. No new matter is added by these amendments. Claims 7, 8 and 10 are canceled without prejudice to or disclaimer of the subject matter recited in those claims. Reconsideration of the application based upon the above amendments and the following remarks is respectfully requested.

The Office Action, on page 5, states that claim 11 recites allowable subject matter. Specifically, the Office Action asserts that claim 11 would be allowable if rewritten in independent form including all of the features of the base claim and any intervening claims. Applicants appreciate this indication of allowability, and base the above amendments on this indication. Specifically, claim 11 has been generalized to recite an "another prestressed actuator," and incorporated into independent claim 1.

The Office Action, on page 2, objects to the drawings under 37 C.F.R. §1.83(a). Specifically, the Office Action asserts that the fastening means of claim 7 must be shown on the feature canceled from the claims. Claim 7 has been canceled to obviate this objection.

The Office Action, on page 3, rejects claims 1-4 and 8 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,423,342 to Fenner; rejects claims 1-3 and 12-14 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 2,729,236 to Valince; rejects claims 1, 2, 16 and 17 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,203,371 to Teay; rejects claims 1-3 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,691,735 to Harneit; and rejects claims 1-3 and 15 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,755,254 to Carter et al. (hereinafter "Carter"). Additionally, the Office Action, rejects claims 9 and 10 under 35 U.S.C. §103(a) as being unpatentable over Fenner in view of U.S. Patent No. 5,174,326 to Steinert et al. (hereinafter "Steinert"); rejects claims 4 and 6 under 35 U.S.C. §103(a) as being unpatentable over

Harneit; rejects claims 5 and 7 under 35 U.S.C. §103(a) as being unpatentable over Harneit or Teay, in view of U.S. Patent No. 3,699,998 to Baranowski. The Applicants respectfully traverse these rejections.

The Office Action asserts that the references of Fenner, Valince, Teay, Harneit and Carter teach all of the elements as positively recited in at least independent claim 1. However, the applied references do not teach "a variable volume heat-sensitive element acting on said mobile element via actuation means, wherein said actuation means comprise another prestressed actuator," as positively recited in amended claim 1, and discussed further below.

The applied reference of Fenner teaches a heat sensitive means comprising a variable volume substance acting on the mobile element via the main spring. The applied reference of Steinert teaches a heat sensitive means comprising a variable volume gas acting directly on the mobile element in parallel with the main spring. Therefore, neither Fenner and/or Steinert, in any permissible combination, can reasonably be considered to teach, or to have suggested, the features as recited in the pending claims.

The applied references of Valince, Teay, Carter, Harneit and/or Baranowski, in any permissible combination, do not overcome the deficiencies of Fenner and/or Steinert, as discussed above.

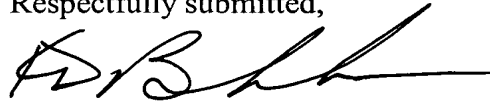
For at least the above reasons, the applied prior art references cannot reasonably be considered to teach, or to have suggested, the combinations of all the features recited in at least independent claim 1. Further, claims 2-6, 9 and 11-17 would also not have been suggested by the applied prior art references for at least the respective dependence of these claims on allowable independent claim 1, either directly or indirectly, as well as for the separately patentable subject matter that each of these claims recites.

Accordingly, reconsideration and withdrawal of the rejections of claims 1-17 under 35 U.S.C. §102 and §103 as being unpatentable over the combination of applied prior art references are respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-6, 9 and 11-18 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



William P. Berridge
Registration No. 30,024

Kirk D. Berkhimer
Registration No. 59,874

WPB:KDB/lmf

ATTACHMENT:

Petition for Extension of Time

Date: November 19, 2007

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

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